

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

2/27/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00288SOM
CASE NAME: USA vs. Jovencio Miguel
ATTYS FOR PLA: Marshall Silverberg
ATTYS FOR DEFT: William Domingo
INTERPRETER: Victor Dalere

John Davis/Ellie Sabatino (USPO)

JUDGE: Susan Oki Mollway

REPORTER: Steve Platt

DATE: 2/27/2006

TIME: 2:35 - 3:05

COURT ACTION: EP: Sentencing to Count 2 of the Indictment; Defendant's Motion for Downward Departure -

Defendant Jovencio Miguel present, with Interpreter Victor Dalere, who was previously sworn.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

The Memorandum of Plea Agreement has been accepted by the Court.

Allocution by the Defendant.

Defendant's Motion for Downward Departure - Granted by agreement of the parties.

ADJUDGED:

Probation: 5 Years.

Fine: \$5,000.00

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter. Since the defendant does not have a history of substance abuse and the offense is not drug related, the mandatory drug test condition is waived.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in an approved program for domestic violence.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
- ▶ That the defendant perform 200 hours of community service as directed by the Probation Office.

Defendant advised of his right to appeal

Government's Motion to Dismiss Count 1 - Granted.

Submitted by: Toni Fujinaga, Courtroom Manager.